1951

File No. O Industrial Disputes (A-T) 57

Legal Department

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Subject:—

Opinions under the Industrial Disputes (Appellate Tribunal) Act, 1950.

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C O N T E N T S.

Legal Department File No O. Industrial Disputes(A.T./51

Sr. No.	R. I. / O. No.	Subject	Pages.
		Opinions under the Industrial Disputes (Appellate Tribunal) Act, 1950.	
1.	8962 7-6-51	Section 20(1) The Industrial Disputes Act, 1947 sec 18(c) Recovery of money due from an employer under award or decision of an Industrial Court.	1-2

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2346.

LEGAL DEPARTMENT

Messrs . Lovji & Co., who were employers at the time of the award are no longer in management of the theatre and Shri H.H.Parmar who is in management is denying his liability on the strength of his agreement with Messrs. Lovji & Co. Under clause (c) of Section 18 of the Industrial Disputes ~~xxxxxxxx~~ Act,1947, when a party referred to in caluse (a) or clause(b) is an employer the award is binding on his heirs, successors or assigns in respect of the establishment to which the dispute related. Shri H.H.Parmar cannot, therefore, repudiate his ~~xxxxxxxx~~ liability on the strength of his agreement with the former management in view of these statutory provisions. In these circumstances, it appears that steps can be taken against him as well as the former owners Messrs. Lovji & Co., or either of them for recovery of the dues under the award.

2. Section 20(1) of the Industrial Disputes (Appellate Tribunal) Act, 1950, provides that any money due from an employer under any award of decision of an industrial tribunal may be recovered as arrears of land revenue or as a public demand by the appropriate Government, on an application made to it by the person entitled to the money under that award or decision. The recovery can be made of the amount as an arrear of land revenue by the Collector of Poona under Chapter XI of the Bombay Land Revenue Code, on his having been s directed by Government, either from Messrs . Lovji & Co., or their assignee Shri H.H. Parmar against whom the Labour & Housing Department wish to proceed in the first instance. Or if the property of the person to be proceeded against is in Bombay, the Collector.

P.T.O.

of Bombay, can be similarly directed to make the recovery under the provisions of the Bombay City Land Revenue Act, 1876. It will be open to the Collector if he cannot effect recovery within his own district, to certify the amount to the Collector of another district in which the property of the defaulting employer is situated under section 3 of the Revenue Recovery Act of 1890.

Sd/- P.M.Lad

o.c.

Additional Secretary to Government.

U.R. to L. & H.D. No. 8962 dated the 7th June 1951 .

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